

for Harold

THE NEW YORK TIMES, THURSDAY, JUNE 24, 1971

Ervin Asks Ban on Lie Detectors for Job Seekers

Special to The New York Times

WASHINGTON, June 23 —

Senator Sam J. Ervin Jr., chairman of the Senate Subcommittee on Constitutional Rights, plans to introduce tomorrow a bill that would prohibit the use of lie detectors for applicants for Federal jobs and in many sectors of private business.

The North Carolina Democrat compared the lie detector, or polygraph, to "the primitive test of medieval times" and said he hoped that "the lie detector will soon take its place with the ordeal by water and the ordeal by fire."

In a speech prepared for delivery on the Senate floor, Mr. Ervin said, "I think there is no place in the American constitutional system for the use of 20th-century witchcraft to determine if a man is fit for a job."

Senator Ervin's bill would prohibit the use of lie detector tests for any person applying for a Federal job. It would also ban them in private business, over which Congress has control through its powers to regulate interstate commerce.

The bill provides for a maximum penalty of one year in prison or a \$1,000 fine, or both.

Not Used by F.B.I.

The use of lie detectors is widespread in the Central Intelligence Agency and the National Security Agency, Senator Ervin said. But a member of the subcommittee staff noted that the Federal Bureau of Investigation did not use lie detectors.

The staff aide also noted that exact statistics on the use of lie detectors were secret. He said that 19 Federal agencies gave about 19,000 tests in 1967 and there was evidence of

large increases since then, but no precise figures.

The American Federation of Labor and Congress of Industrial Organizations estimated in 1965 that 200,000 to 300,000 tests were given in private business that year by 3,000 polygraph operators. The use of the lie detector in private business is estimated to have spread rapidly since then, labor sources said, but the precise extent is not known.

Senator Ervin contended that

the use of the lie detector was a violation of a person's rights under the First Amendment, which protects personal privacy, and the Fifth Amendment, which prohibits self-incrimination.

"Lie detectors are used on innocent, law-abiding Americans applying for jobs despite the fact that the courts of our land have wisely rejected the results of lie detector tests for criminals and those suspected of crime," he said.